

Baker & Hostetler LLP
45 Rockefeller Plaza
New York, NY 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Oren J. Warshavsky
Geoffrey A. North

*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (SMB)

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

SIPA LIQUIDATION

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Adv. Pro. No. 09-01364 (SMB)

Plaintiff,

v.

HSBC BANK PLC, et al

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
WITH PREJUDICE AS TO SENATOR FUND SPC**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. § 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendant Senator Fund SPC (“Defendant”), by and through its counsel, DuffyAmedeo LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 5, 2010, the Trustee filed and served the Amended Complaint against, *inter alia*, the Defendant.
2. On May 27, 2011, Defendant filed and served an answer on the Trustee.
3. On December 8, 2014, Defendant filed and served an amended answer on the Trustee.
4. On November 13, 2014, the Parties entered into a settlement agreement pursuant to Federal Rule of Bankruptcy Procedure 9019. The settlement agreement was approved by this Court on December 17, 2014, ECF No. 350.
5. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1)(ii), the Parties hereby stipulate to a dismissal with prejudice of the Trustee’s claims against Defendant in the above-captioned adversary proceeding.
6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.
7. This Stipulation may be signed by the Parties in any number of counterparts, each

of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: January 23, 2015

BAKER & HOSTETLER LLP

By: /s/ Geoffrey A. North
45 Rockefeller Plaza
New York, New York 10111
Telephone: 212.589.4200
Facsimile: 212.589.4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Oren J. Warshavsky
Email: owarshavsky@bakerlaw.com
Geoffrey A. North
Email: gnorth@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard, Trustee for
the Liquidation of Bernard L. Madoff Investment
Securities LLC and the Estate of Bernard L. Madoff*

DUFFYAMEDEO LLP

By: /s/ Todd E. Duffy
DuffyAmedeo LLP
275 Seventh Avenue, 7th Floor
New York, NY 10001
Telephone: (212) 729-5832
Facsimile: (212) 208-2437
Todd E. Duffy
Email: tduffy@duffyamedeo.com
Douglas A. Amedeo
Email: damedeo@duffyamedeo.com

Attorneys for Defendant Senator Fund SPC

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SO ORDERED:

Dated: January 23, 2015
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE